

63-246 Household with Sponsored Noncitizens

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63- 246.1 Determining Eligibility of a Sponsored Noncitizen

The income of a sponsor and the sponsor's spouse (if the spouse signed the affidavit, USCIS Form I-864 or I-864A) will be deemed as unearned income to the non-exempt sponsored noncitizen (unless determined indigent), and will be used to determine eligibility and/or benefit level of the household with the sponsored noncitizen.

Refer to [Section 63-157.3](#) for additional information and exemptions to the sponsorship provisions.

63- 246.2 Sponsored Noncitizen Provisions Time Limits

The sponsored noncitizen is subject to the sponsorship provisions until the sponsored noncitizen:

- Achieves U. S. citizenship through naturalization; or
- Has 40 qualifying quarters; or
- Leaves the U. S. permanently; or
- Dies.
 - The sponsor's support obligation also terminates when the sponsor dies.

63-246.3 Determination of Sponsor's Income

Income deemed available to the noncitizen is determined as follows:

| Step | Action |
|------|---|
| 1 | Add the total monthly earned and unearned income of the |

Availability to
Sponsored
Noncitizens

| | |
|---|--|
| | sponsor and the sponsor's spouse (if the spouse has also signed the I-864 or I-864A) at the time the household applies or is recertified; |
| 2 | Deduct twenty (20) percent from the earned income portion; |
| 3 | Deduct the CalFresh monthly gross income eligibility limit for a household size equal to the sponsor's household; <ul style="list-style-type: none"> • The sponsor's household could be the sponsor, the sponsor's spouse and any other person who is claimed or could be claimed by the sponsor, or the sponsor's spouse as a dependent for federal income tax purposes. |
| 4 | The remaining amount is the income deemed available to the sponsored household. |

If the noncitizen has already reported gross income information from his/her sponsor, due to TANF sponsored noncitizen rules, that income amount can be used for the CalFresh deeming purposes (after reducing the 20 percent from the earned income portion plus the CalFresh monthly gross income eligibility limit) as stated above in steps three (3) and four (4).

Direct cash payments provided by the sponsor or the sponsor's spouse will not be considered income to the noncitizen unless the amount exceeds the sponsor's income amount deemed to the noncitizen. Only the portion of the amount actually exceeding the deemed amount would be considered income to the noncitizen (in addition to the deemed income amount).

DEEMED INCOME TO HOUSEHOLDS WITH SPONSORED CHILDREN

A noncitizen child under the age of eighteen (18) is exempt from sponsored deeming in CalFresh (refer to [Section 63-157.3](#)). The child's share of the deemed income would not be counted in the CalFresh budget.

EXAMPLE:

The household includes three members, two sponsored adults and one sponsored child. The sponsor does not sponsor other noncitizens, lives apart from these sponsored noncitizens, and has \$1800 in net non-exempt (deemed available) income.

To compute the income amount deemed by the sponsor to the household:

| Step | Action |
|------|---|
| 1 | Divide the sponsor's net nonexempt income (\$1800) by the three sponsored noncitizens (spouses and child) to determine the prorated share for each household member. The prorated share for each member is \$600. |

| | |
|---|---|
| 2 | Multiply each share by two sponsored adults (spouses): $\$600 \times 2 = \1200 |
| 3 | The deemed amount from the sponsor to the household is \$1200, which excludes the child's prorated share. |

63-246.4
Deemed Income
of Sponsors with
More Than One
Sponsored
Noncitizen

If a sponsored noncitizen can demonstrate to the worker that his/her sponsor sponsors other noncitizens, then the income deemed would be divided by the number of such noncitizens that apply for, or are participating in CalFresh.

If information about other noncitizens for whom the sponsor is responsible is not provided, the deemed income amount calculated will be attributed to the applicant noncitizen in its entirety until such time as the information is provided.

63- 246.5
Changing
Sponsors

If the noncitizen changes sponsors during the certification period, then deemed income will be recalculated based on the information of the new sponsor.

63-246.6
Awaiting
Sponsorship
Verification

The sponsored noncitizen will be ineligible to participate until all necessary facts, information and/or verification are obtained from the noncitizen in order to determine the sponsored noncitizen eligibility and deemed income amount.

If the sponsored individual does not provide the sponsor's information/verification, the sponsored individual will be excluded as an ineligible noncitizen and his/her income will be prorated to other members of the household according to [Section 63-244.2](#), and his/her resources counted as instructed in [Section 63-206.4](#).

- If the information or verification is subsequently received, the worker will act on the information as a reported change in household composition.
- If the same sponsor is responsible for the entire household, and the household does not include a child under 18, the entire (sponsored) household is ineligible until such time as needed sponsorship information is provided and/or verified.
 - If the household includes children under 18 years of age that have been also sponsored, sponsor's regulations do not apply

to them as explained in [Section 63-157.3](#).

If the parents have the same sponsor and the sponsor's income is deemed, only the deemed portion of the parents will count in the CalFresh budget as explained in [Section 63-246.3](#).
